

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NATIONAL STARCH AND CHEMICAL  
INVESTMENT HOLDING  
CORPORATION, PENFORD  
AUSTRALIA LTD., and PENFORD  
HOLDINGS PTY,

Plaintiffs,

v.

CARGILL, INC. and  
MGP INGREDIENTS, INC.,

Defendants.

C.A. No. 04-1443-GMS

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**NOTICE OF DEPOSITION OF KENNETH J. MCNAUGHT**

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PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendants Cargill, Inc. and MGP Ingredients, Inc. (collectively, “Defendants”) by their attorneys, will take the deposition of KENNETH J. MCNAUGHT at Fish & Richardson P.C., 919 N. Market Street, Suite 1100, Wilmington, DE 19899, commencing at 9:30 a.m. on January 18, 2006, and continuing from day to day, excluding Saturdays and Sundays, until concluded. Please take further notice that, pursuant to Rule 30(b)(2) of the Federal Rules of Civil Procedure that the deposition will be taken before a notary public or other officer authorized by the law to administer oaths, and will be recorded both stenographically and by sound and visual means (i.e., by videotape), and provision may be made for real-time monitoring using LiveNote™ or similar means. Defendants reserve the right to use this videotape deposition at the time of trial.

Dated: December 27, 2005

**FISH & RICHARDSON P.C.**

By: */s/ John F. Horvath*

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*Attorneys for Defendants  
Cargill, Incorporated and MGP Ingredients, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2005, I electronically filed the attached **NOTICE OF DEPOSITION OF KENNETH J. MCNAUGHT** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following individual. A copy of this document was also hand delivered on this date.

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I hereby certify that on December 27, 2005, I have mailed by via Federal Express, the document(s) to the following non-registered participant:

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/s/ John F. Horvath

John F. Horvath